

DOCKET NO: 243847US23CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
THOMAS M. WALKER, ET AL. : EXAMINER: LE, MIRANDA  
SERIAL NO: 10/736,621 :  
FILED: DECEMBER 17, 2003 : GROUP ART UNIT: 2167  
FOR: PATIENT ENCOUNTER :  
ELECTRONIC MEDICAL RECORD  
SYSTEM, METHOD, AND COMPUTER  
PRODUCT

REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In reply to the Notification of Non-Compliant Appeal Brief dated February 13, 2008,  
please replace the Grounds of Rejection to be Reviewed on Appeal section with the following  
Grounds of Rejection to be Reviewed on Appeal section:

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The first ground to be considered on appeal is whether Claims 1-8, 11, 13-21, 24, 26-34, 37, and 39-43 are unpatentable over Segal (U.S. Patent No. 6,754,655) in view of Levy (U.S. Patent No. 7,076,437) under 35 U.S.C. § 103(a).

The second ground to be considered on appeal is whether Claims 9, 12, 22, 25, 35, and 38 are unpatentable over Segal in view of Levy, and further in view Fey et al. (U.S. Publication No. 2003/0187688, hereinafter Fey) under 35 U.S.C. § 103(a).

The third ground to be considered on appeal is whether Claims 10, 23, and 36 are unpatentable over Segal in view of Levy, and further in view Pressly (U.S. Publication No. 2002/0065854) under 35 U.S.C. § 103(a).

REMARKS/ARGUMENTS

In reply to the Notification of Non-Compliant Appeal Brief dated February 13, 2008, a corrected Grounds of Rejection to be Reviewed on Appeal section is hereby submitted. In the corrected Grounds of Rejection to be Reviewed on Appeal section, issue #3 lists claims 10, 23, and 36 as suggested in the Notification of Non-Compliant Appeal Brief.

Accordingly, early and favorable consideration of the present appeal is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Colin B. Harris  
Registration No. 58,969